



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*JULY 16*

## IN RE APPLICATION

WITSCHEL ET AL.  
SERIAL No. 09/763,704  
FILED: FEBRUARY 26, 2001  
FOR: CYCLOHEXENONEQUINOLINOYL DERIVATIVES

MAIL STOP: AF  
CONFIRMATION No.: 9140  
GROUP ART UNIT: 1625  
EXAMINER: CELIA C. CHANG

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents and Trademarks, Alexandria, Va 22313-1450, on:

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Sabine Berg

Signature

Honorable Commissioner  
for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY UNDER 37 C.F.R. §1.113(c) AND §1.116

Sir:

In reply to the Office action of February 01, 2005, it is respectfully requested that the following request for reconsideration and the attached Declaration be entered and considered by the Examiner:

06/17/2005 SDENB0B1 00000094 09763704

01 FC:1801

790.00 OP REQUEST FOR RECONSIDERATION

Claims 1 to 10, 12 and 14 to 24 as presented by applicants with their reply dated October 21, 2005, are currently pending in this case.

The Examiner reiterated the rejection of Claims 1 to 7, 10, 17, 22 and 23<sup>1)</sup> under the judicially created doctrine of obviousness-type double patenting as being unpatentable in light of Claims 1 to 5 and 13 to 15 of **Otten et al.** (US 6,479,436) when taken in view of the disclosure of **Barton** (US 5,426,091). The Examiner argued that the data presented by applicants with their previous reply were insufficient to obviate the double patenting issue because the data were not presented in form of a duly executed Declaration and could, therefore, not be taken into consideration.

06/17/2005 SDENB0B1 00000094 09763704

02 FC:1252

450.00 OP

1) It is respectfully noted that the previously raised rejections under the judicially created doctrine of obviousness type double patenting did not include applicants' Claims 5, 6 or 17.